IN RE: PETITION FOR SPECIAL HEARING

W/S Brooklandwood Road, 750 ft.

S of Falls Road

1004 Brooklandwood Road 8th Election District 3rd Councilmanic District * ZONING COMMISSIONER

BEFORE THE

* OF BALTIMORE COUNTY

Elizabeth S. Mitchell, Petitioner * Case No. 99-17-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 1004 Brooklandwood Road, in the Brooklandwood community of Baltimore County. The Petition was filed by Elizabeth S. Mitchell, property owner. Special Hearing relief is requested to approve the installation of a 500 gallon buried gasoline tank as an accessary use to a dwelling for the purpose of furnishing gasoline to an antique car collection and also to amend the approved site plan in case No. 98-362-SPH. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was Barton S. Mitchell, husband of Elizabeth S. Mitchell, property owner. Also present was Joseph H. Mason, an architect, retained by the Petitioner. The Petitioner was represented by K. Donald Proctor, Esquire. Stacy Brooks and Frank Velleggia, neighbors, appeared as interested persons. They do not oppose the request.

Testimony and evidence presented was that the subject property is approximately 3.1 acres in area, zoned R.C.2, and is located in the Greenspring Valley area of Baltimore County. The Petitioners purchased the property within the past year and are in the process of making extensive renovations to the existing dwelling, including 3200 sq. ft. of additional living space. Upon completion of the renovations, the dwelling will contain approximately 7200 sq. ft. of living space. In addition to the



dwelling, the Petitioner is constructing a 4300 sq. ft. garage which will be attached to the dwelling. Testimony revealed that Mr. Mitchell collects antique cars and that the proposed garage is needed to house those vehicles. In addition, the garage will provide living quarters for a caretaker. Testimony indicated that the Mitchells leave Maryland for extended periods of time and it is necessary for someone to oversee the property.

The Petitioner's caretaker has been employed by them for the past five years and is a teacher at the St. Paul's School, located nearby. Pursuant to relief granted by the Deputy Zoning Commissioner in case No. 98-362-SPH, construction of the dwelling, garage and caretaker's quarters is nearly completed.

As noted above, Mr. Mitchell owns a number of valuable antique cars. Relief is requested in the instant case to install a 500 gallon buried gasoline tank immediately adjacent to the garage to fuel these vehicles. Mr. Mitchell indicated that as many as 12 vehicles could be stored on the premises at one time. He also indicated that to facilitate the use and show these vehicles, it is necessary to have a gasoline storage tank on the premises.

As to the specifics of the tank, it will be approximately 6 ft. x 11 ft. in dimension. Once installed, it will be below grade and, therefore, not visible. Mr. Mitchell indicated that the tank will meet all environmental regulations and will have an electronic cut-off. He is familiar with the installation and use of such storage tanks by virtue of his occupation. He indicated that there will be no adverse impact to any water resources nor will the tank generate any environmental difficulties. Pursuant to environmental regulations, the tank will be checked regularly to ensure that the integrity of same is viable.

LES:mmn

Based upon the testimony and evidence, all of which was uncontradicted, I am persuaded to grant the Petition for Special Hearing. The installation of the tank appears an appropriate accessory use in view of Mr. Mitchell's antique automobile collection. The proposed use will not be detrimental to the health, safety or general welfare of the locale. noted above, the tank will not be visible and for so long as it is properly installed and regularly maintained, there will be no impact.

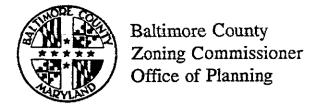
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, AT IS ORDERED by the Zoning Commissioner of Baltimore County this day of August 1998 that, pursuant to the Petition for Special Hearing, approval for the installation of a 500 gallon buried qasoline tank as an accessory use to a dwelling for the purpose of furnishing gasoline to an antique car collection and, also, to amend the approved site plan in case No. 98-362-SPH, be and is hereby GRANTED, subject to the following restriction:

> The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

- 3-



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

August 26, 1998

K. Donald Proctor, Esquire 102 W. Pennsylvania Avenue Towson, Maryland 21204

RE: Petition for Special Hearing

Case No. 99-17-SPH

Property: 1004 Brooklandwood Road Petitioner: Elizabeth S. Mitchell

Dear Mr. Proctor:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn encl.

c: Mr. and Mrs. Barton S. Mitchell Box 1247

Brooklandville, Md. 21022

c: Mr. Joseph H. Mason 3200 Elm Avenue Baltimore, Maryland 21211

c: Ms. Stacy Brooks 1009 Brooklandwood Road Lutherville, Md. 21093

c: Mr. Frank Velleggia P.O. Box 331 Brooklandville, Md. 21022



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for	the	property	located	at
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1004 Brooklandwood Road

which is presently zoned

RC2

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

installation of a 500 gallon buried gasoline tank as an accessory use to a dwelling for the purpose of furnishing gasoline to an antique car collection and to amend the approved plan to zoning plan N CASE# 98-362 -SPH

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee			Legal Owner(s)	C W. 1	~ ~		
(Type or Print Name)			Elizabeth (Type or Print Name)	5. Mitch			-
Signature			Signature)	<u>L.S.</u>	Mita	hell	-
Address			(Type or Print Name)				-
Crty	State	Zipcode	Signature				•
Attorney for Petitioner			1004 Brook	landwood	Road	410 354 Phone No	0600
(Type or Print Name)			Lutherville	e	MD	21093	
			City Name, Address and phone	number of represe	State intative to be	Zipcode contacted.	
Signature			Joseph H. M				
Address			3200 Elm Av	venue	T⊅.MD (410)	467-9700	
	Phone No.		Address ZIP 212	11	(120)	Phone No	
City	State	Zipcode		OFFICE US	E ONLY		بند
			ESTIMATED LENGTH OF H	IEARING unaveilable fo			
			the following dates _			Next Two Mon	tha
		J*	ALL	OTHER			
			REVIEWED BY:				



ZONING DESCRIPTION FOR 1004 BROOKLANDWOOD ROAD

Beginning at a point on the west side of Brooklandwood Road which is 50 feet wide at the distance of 750 feet south of the centerline of the nearest improved intersecting street, Falls Road, which is a variable right of way. Being Lot #9, Section #1 in the subdivision of Brooklandwood Farms as recorded in Baltimore County Plat Book #18, Folio #130, containing 3.1 acres. Also known as 1004 Brooklandwood Road and located in the 8th Election District, 3d Councilmanic District.

BALTIMORE COUNTY, MARYLAN. OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE 7/10/98 ACCOUNT ROO16150 AMOUNT \$ 50.00	PAID REPEIPT PROCESS ACTIVE TIME 7/15/1995 TYPE/1799 144/05/01 PET MS01 CARAGER CLEM CAL DRAWER 5 MISCELLAMORS CASH RECEIPT PER RELET # 056/09 07-10
RECEIVED STEVE LAWRENCE FROM: RES SPH 99-17-5PH	Suldingre County- Haryland
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

NOTICE OF ZOHING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County the hold a public hearing in <u>Tow-</u> son, <u>Maryland</u> on the property identified herein as follows:

Case: #99-17-SPH 1004 Brooklandwood Road W/S Brooklandwood Road. 750'S of Falls Road. 8th Election District 3rd Councilmanic District Legal Owner(s):

John Councilmant District Legal Owner(s):

Elizabeth S. Mitchell Special Hearing: to approve the installation of a 500-gallon buried gasoline tank as an accessory use to a dwelling for the purpose of furnishing gasoline to an antique car collection and so amend the approved plan to the zoning plan in case number 98-362-SPH. Hearing: Tuesday, August 25, 1998 at 9:00 a.m., in Room 407, County Courts Bidg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing,
Please Call (410) 887-3391.

8/026 Aug 6 c248860

CERTIFICATE OF PUBLICATION

TOWSON, MD., 86, 1998
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of successive
weeks, the first publication appearing on 86 , 1998 .
THE JEFFERSONIAN,
a. Henrelson

LEGAL AD. - TOWSON

CERTIFICATE OF OSTING

•	RE: Case No.: 99-17-5 PH
	Petitioner/Developer:
	MITCHELL
	Date of Hearing/Closing: 8/25/98
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
were posted conspicuously on the property	of perjury that the necessary sign(s) required by law located at
The sign(s) were posted on	8/10/98 (Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster and Date) RICHARD E. HOFFMAN (Printed Name) 904 DELLWOOD DR. (Address) FALLSTON, HO. 21047
<u> </u>	(City, State, Zip Code) (410) 879-3172 (Telephone Number)

CASE # 99-17-SPH 1004 BROOKLANDWOOD RD. POSTED B/0/98 Shakel BAM TO: PATUXENT PUBLISHING COMPANY

August 6, 1998 Issue - Jeffersonian

Please forward billing to:

Elizabeth S. Mitchell

410-354-0600

1004 Brooklandwood Road Lutherville, MD 21093

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-17-SPH 1004 Brooklandwood Road

W/S Brooklandwood Road, 750' S of Falls Road 8th Election District — 3rd Councilmanic District

Legal Owner: Elizabeth S. Mitchell

<u>Special Hearing</u> to approve the installation of a 500-gallon buried gasoline tank as an accessory use to a dwelling for the purpose of furnishing gasoline to an antique car collection and to amend the approved plan to the zoning plan in case number 98-362-SPH.

HEARING:

Tuesday, August 25, 1998 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

54

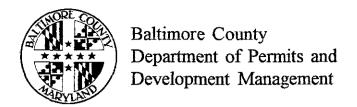
LAWRENCE E. SCHMIDT

rence E. Schmidt

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

July 22, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-17-SPH 1004 Brooklandwood Road

W/S Brooklandwood Road, 750' S of Falls Road 8th Election District — 3rd Councilmanic District

Legal Owner: Elizabeth S. Mitchell

Special Hearing to approve the installation of a 500-gallon buried gasoline tank as an accessory use to a dwelling for the purpose of furnishing gasoline to an antique car collection and to amend the approved plan to the zoning plan in case number 98-362-SPH.

HEARING: Tuesday, August 25, 1998 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon Director

c: Elizabeth S. Mitchell Joseph H. Mason

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 10, 1998.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

Item Numb	er or Case Number: 99-17-\$ SPH
Petitioner:	ELIZABETH S. MITCHELL
Address or	Location: 1004 Brooklandwood Road
	Lotherville MD 21093
PLEASE F	ORWARD ADVERTISING BILL TO:
Name:	ELIZABETH S. MITCHELL
Address: _	1004 Brooklandwood Road
_	Lutherville, MD 21093

Revised 2/20/98 - SCJ



Request for Zoning: Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-17-\$ SPH

A PUBLIC HEARING WILL HE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: *
DATE AND TIME:
REQUEST: TO APPROVE THE INSTALLATION OF A 500 GAL (BURIED)
GASOLINE TANK AS ACCESSORY TO A DWELLING FOR
PURPOSES OF FUELING AN ANTIQUE CAR COLLECTION AND
TO AMEND THE APPROVED PLAN IN ZONING CASE #98-362-SPH.

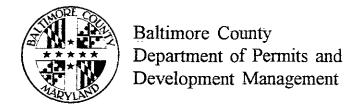
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96 post_4.doc *UPON RECEIPT OF THE NOTICE OF HEARING, THE PETITIONER OR HIS AGENT FILLS IN THIS INFORMATION AND THEN FORWARDS THIS FORM TO THE SIGN POSTER.

99-17-5PH



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

August 19, 1998

Mr. Joseph H. Mason 3200 Elm Avenue Baltimore, MD 21211

RE: Item No.: 17

Case No.: 99-17-SPH

Location: 1004 Brooklandwood

Road

Dear Mr. Mason:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 10, 1998.

The Zoning Advisory Committee (ZAC), which consists representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

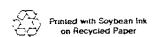
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. Zoning Supervisor Zoning Review

WCR:ggs

Enclosures



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: July 31, 1998

Department of Permits & Development

Management

Robert W. Bowling, Chief Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for July 27, 1998

Item Nos. 011, 012, 013, 014, 015,

016, (017) and 018

Case Number 98-473-X (7501 Oakleigh Road

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

POM

FROM:

R. Bruce Seeley.

Permits and Development Review

SUBJECT:

Zoning Advisory Committee

Meeting Date:

The Department of Environmental Protection & Resource Management has no Comments for the following Zoning Advisory Committee Items:

adá. tromal Item.

Itam #'s: 17

RBS:sp

BRUCE2/DEPRM/TXTSBP



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

July 27, 1998

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: ELIZABETH S. MITCHELL

Location: DISTRIBUTION MEETING OF JULY 20, 1998

Item No.: 017

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND



DATE: July 17, 1998

TO: Arnold Jablon, Director

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: 1004 Brooklandwood Road

INFORMATION

Item Number:

17

Petitioner:

Elizabeth Mitchell

Zoning:

RC 2

Requested Action:

Special Hearing

Summary of Recommendations:

The Office of Planning defers to any position taken by either the Fire Department or the Department of Environmental Protection and Resource Management.

Section Chief: Jeffry M. Ling

AFK/JL



Paris N. Glendening Governor

David L. Winstead Secretary

Parker F. Williams Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 7.17-9

Item No. 017 JU

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

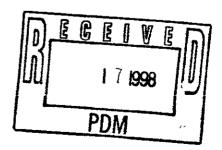
for Ronald Burns, Chief

Engineering Access Permits

1. J. Arelle

Division

LG



							*	1	BEFORE	THE			
RE: PETITION FOR SPECIAL HEARING 1004 Brooklandwood Road, W/S Brooklandwood Rd,					Rd,	*	2	ZONING COMMISSIONER					
750' S of Falls Rd, 8th Election District, 3rd Councilmanic						*	I	FOR					
Legal Owners: Elizabeth S. Mitchell					*	ł	BALTIMORE COUNTY						
	Petitic	oner(s)					*	(Case Nu	mber: 99	-17-SPH		
*	*	*	*	*	*	*	*	*	*	*	*	*	*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204 (410) 887-2188

arole S. Demilio

Eter Max Timmeman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of July, 1998, a copy of the foregoing Entry of Appearance was mailed to Joseph H. Mason, , 3200 Elm Avenue, Baltimore, MD 21211, representative for Petitioner(s).

PETER MAX ZIMMERMAN

PROTESTANT(S) SIGN-IN SHEET

NAME BLOOKS	ADDRESS
Story Marks	-1009 Brookler
French Killeggen Velleggen	WAR MARKET
	10 BOX 331 Brooklerdirle 21022

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
K. DONARD PROCTOR	102 W. PENNA AVE. TOWSON
BANTON S. MITCHELL	BOX 1247 BAROKLANDVIL
JOSEPH H. MASON	3200 ELM BUE. BALT., NO. 2121

